

HOUSE BILL No. 1132

DIGEST OF INTRODUCED BILL

Citations Affected: IC 4-6; IC 5-2-4-1; IC 10-10.5-1-3; IC 10-13-3-6; IC 35-31.5-2-185.

Synopsis: Investigators employed by the attorney general. Provides that the attorney general shall designate not more than four investigators employed within the state Medicaid fraud control unit to be law enforcement officers of the state. Provides that the attorney general shall designate not more than two investigators employed within the identity fraud unit to be law enforcement officers of the state. Provides that the investigators shall have all the powers and duties of law enforcement officers in conducting investigations or in serving any process, notice, or order connected with the duties of the respective units, regardless of whatever officer, authority, or court issued the process, notice, or order. Provides that the investigators are subject to certain confidentiality and disclosure requirements relating to criminal intelligence information and criminal history information. Makes conforming amendments.

Effective: July 1, 2024.

McNamara

January 8, 2024, read first time and referred to Committee on Veterans Affairs and Public Safety.



Second Regular Session of the 123rd General Assembly (2024)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2023 Regular Session of the General Assembly.

HOUSE BILL No. 1132

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 4-6-10-4 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2024]: **Sec. 4. (a) The attorney general shall designate not more
4 than four (4) investigators employed within the state Medicaid
5 fraud control unit to be law enforcement officers of the state. The
6 law enforcement officers must have completed the basic training
7 requirements set forth in IC 5-2-1-9. The investigators shall have
8 all the powers and duties of law enforcement officers in conducting
9 investigations under this chapter, or in serving any process, notice,
10 or order connected with the enforcement of this chapter regardless
11 of whatever officer, authority, or court issued the process, notice,
12 or order.**

13 **(b) The investigators designated under this section shall
14 comprise the enforcement department within the state Medicaid
15 fraud control unit and are considered a criminal justice agency for
16 purposes of IC 5-2-4 and IC 10-13-3.**

17 SECTION 2. IC 4-6-13-10 IS ADDED TO THE INDIANA CODE



1 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 2 1, 2024]: **Sec. 10. (a) The attorney general shall designate not more
 3 than two (2) investigators employed within the unit to be law
 4 enforcement officers of the state. The law enforcement officers
 5 must have completed the basic training requirements set forth in
 6 IC 5-2-1-9. The investigators shall have all the powers and duties
 7 of law enforcement officers in conducting investigations under this
 8 chapter, or in serving any process, notice, or order connected with
 9 the enforcement of this chapter regardless of whatever officer,
 10 authority, or court issued the process, notice, or order.**

11 **(b) The investigators designated under this section shall
 12 comprise the enforcement department within the unit and are
 13 considered a criminal justice agency for purposes of IC 5-2-4 and
 14 IC 10-13-3.**

15 SECTION 3. IC 5-2-4-1, AS AMENDED BY P.L.27-2010,
 16 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 17 JULY 1, 2024]: Sec. 1. As used in this chapter, unless the context
 18 otherwise requires:

19 (1) "Criminal history information" means information collected
 20 by criminal justice agencies or individuals consisting of
 21 identifiable descriptions and notations of arrests, detentions,
 22 indictments, informations, or other formal criminal charges, and
 23 any disposition arising therefrom, sentencing, correctional
 24 supervision, and release.

25 (2) "Criminal intelligence information" means information on
 26 identifiable individuals compiled in an effort to anticipate,
 27 prevent, or monitor possible criminal activity, including terrorist
 28 activity. "Criminal intelligence information" does not include
 29 criminal investigative information, which is information on
 30 identifiable individuals compiled in the course of the
 31 investigation of specific criminal acts.

32 (3) "Criminal justice agency" means any agency or department of
 33 any level of government which performs as its principal function
 34 the apprehension, prosecution, adjudication, incarceration, or
 35 rehabilitation of criminal offenders, or location of parents with
 36 child support obligations under 42 U.S.C. 653. The term includes:

37 (A) a nongovernmental entity that performs as its principal
 38 function the:

39 (i) apprehension, prosecution, adjudication, incarceration, or
 40 rehabilitation of criminal offenders; or

41 (ii) location of parents with child support obligations under
 42 42 U.S.C. 653;



- 1 under a contract with an agency or department of any level of
 2 government;
 3 (B) the department of homeland security; ~~and~~
 4 (C) the Indiana intelligence fusion center established by
 5 IC 10-11-9-2; ~~and~~
 6 **(D) the attorney general's enforcement department:**
 7 **(i) under IC 4-6-10-4 within the state Medicaid fraud**
 8 **control unit established by IC 4-6-10-1; and**
 9 **(ii) under IC 4-6-13-10 within the identity theft unit**
 10 **established by IC 4-6-13-2.**

11 SECTION 4. IC 10-10.5-1-3, AS AMENDED BY P.L.122-2023,
 12 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 JULY 1, 2024]: Sec. 3. "Law enforcement officer" means any of the
 14 following:

- 15 (1) A state police officer, enforcement officer of the alcohol and
 16 tobacco commission, or conservation officer.
 17 (2) A county, city, town, or tribal police officer.
 18 (3) A police officer appointed by a state educational institution
 19 under IC 21-39-4 or school corporation under IC 20-26-16.
 20 (4) A gaming agent under IC 4-33-4.5 or a gaming control officer
 21 under IC 4-33-20.
 22 (5) A hospital police officer employed by a hospital police
 23 department established under IC 16-18-4.
 24 **(6) An investigator of the office of the attorney general who is**
 25 **designated as a law enforcement officer under IC 4-6-10-4 or**
 26 **IC 4-6-13-10.**

27 SECTION 5. IC 10-13-3-6, AS AMENDED BY P.L.234-2005,
 28 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 29 JULY 1, 2024]: Sec. 6. (a) As used in this chapter, "criminal justice
 30 agency" means any agency or department of any level of government
 31 whose principal function is:

- 32 (1) the apprehension, prosecution, adjudication, incarceration,
 33 probation, rehabilitation, or representation of criminal offenders;
 34 (2) the location of parents with child support obligations under 42
 35 U.S.C. 653;
 36 (3) the licensing and regulating of riverboat gambling operations;
 37 or
 38 (4) the licensing and regulating of pari-mutuel horse racing
 39 operations.
 40 (b) The term includes the following:
 41 (1) The office of the attorney general.
 42 (2) The Medicaid fraud control unit, for the purpose of



1 investigating offenses involving Medicaid.

2 (3) A nongovernmental entity that performs as its principal
3 function the:

4 (A) apprehension, prosecution, adjudication, incarceration, or
5 rehabilitation of criminal offenders;

6 (B) location of parents with child support obligations under 42
7 U.S.C. 653;

8 (C) licensing and regulating of riverboat gambling operations;
9 or

10 (D) licensing and regulating of pari-mutuel horse racing
11 operations;

12 under a contract with an agency or department of any level of
13 government.

14 **(4) The attorney general's enforcement department:**

15 **(A) under IC 4-6-10-4 within the state Medicaid fraud**
16 **control unit established by IC 4-6-10-1; and**

17 **(B) under IC 4-6-13-10 within the identity theft unit**
18 **established by IC 4-6-13-2.**

19 SECTION 6. IC 35-31.5-2-185, AS AMENDED BY P.L.122-2023,
20 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
21 JULY 1, 2024]: Sec. 185. (a) "Law enforcement officer" means:

22 (1) a police officer (including a tribal police officer, a correctional
23 police officer, and a hospital police officer employed by a hospital
24 police department established under IC 16-18-4), sheriff,
25 constable, marshal, prosecuting attorney, special prosecuting
26 attorney, special deputy prosecuting attorney, the securities
27 commissioner, or the inspector general;

28 (2) a deputy of any of those persons;

29 (3) an investigator for a prosecuting attorney or for the inspector
30 general;

31 (4) a conservation officer;

32 (5) an enforcement officer of the alcohol and tobacco
33 commission;

34 (6) an enforcement officer of the securities division of the office
35 of the secretary of state; ~~or~~

36 (7) a gaming agent employed under IC 4-33-4.5 or a gaming
37 control officer employed by the gaming control division under
38 IC 4-33-20; ~~or~~

39 **(8) an investigator of the office of the attorney general who is**
40 **designated as a law enforcement officer under IC 4-6-10-4 or**
41 **IC 4-6-13-10.**

42 (b) "Law enforcement officer", for purposes of IC 35-42-2-1,



1 includes an alcoholic beverage enforcement officer, as set forth in
2 IC 35-42-2-1.
3 (c) "Law enforcement officer", for purposes of IC 35-45-15,
4 includes a federal enforcement officer, as set forth in IC 35-45-15-3.
5 (d) "Law enforcement officer", for purposes of IC 35-44.1-3-1 and
6 IC 35-44.1-3-2, includes a school resource officer (as defined in
7 IC 20-26-18.2-1) and a school corporation police officer appointed
8 under IC 20-26-16.
9 (e) "Law enforcement officer", for purposes of IC 35-40.5, has the
10 meaning set forth in IC 35-40.5-1-1.

